

a military labor organization, or whether such person or organization is in violation of any provision of this Directive, the history and operation of the organization (including its constitution and bylaws, if any) or person in question may be evaluated, along with evidence on the conduct constituting a prohibited act.

(b) In determining whether the commission of a prohibited act by a person can be imputed to the organization, examples of factors that may be considered include: the frequency of such act; the position in the organization of persons committing the act; whether the commission of such act was known by the leadership of the organization; whether the commission of the act was condemned or disavowed by the leadership of the organization.

(c) Any information about persons and organizations not affiliated with the Department of Defense needed to make the determinations required by this Directive shall be gathered in strict compliance with the provisions of DoD Directive 5200.27<sup>1</sup>, "Acquisition of Information Concerning Persons and Organizations not Affiliated With the Department of Defense," January 7, 1980, and shall not be acquired by counterintelligence or security investigative personnel. The Organization itself shall be considered a primary source of information.

## PART 144—SERVICE BY MEMBERS OF THE ARMED FORCES ON STATE AND LOCAL JURIES

Sec.

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AUTHORITY: 10 U.S.C. 982.

SOURCE: 53 FR 23759, June 24, 1988, unless otherwise noted.

<sup>1</sup>Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

### § 144.1 Purpose.

This part implements 10 U.S.C. 982 to establish uniform Department of Defense policies for jury service by members of the Armed Forces on active duty.

### § 144.2 Applicability.

The provisions of this part apply to active-duty members of the Armed Forces.

### § 144.3 Definitions.

(a) *Armed Forces*. The Army, Navy, Air Force, Marine Corps, and the Coast Guard when it is operating as a Service in the Navy.

(b) *State*. Includes the fifty United States, U.S. Territories, District of Columbia, and the Commonwealth of Puerto Rico.

(c) *Active duty*. Full-time duty in the active military service of the United States. Includes full-time training duty, annual training duty, active duty for training, and attendance, while in the active military service, at a school designated as a Service school by law or by the Secretary of the Military Department concerned.

(d) *Operating forces*. Those forces whose primary mission is to participate in combat and the integral supporting elements thereof.

### § 144.4 Policy.

It is DoD policy to permit members of the Armed Forces maximally to fulfill their civic responsibilities consistent with their military duties. For service members stationed in the United States, servicing on a State or local jury is one such civic obligation. Service members are exempt from jury duty, when it unreasonably would interfere with performance of their military duties or adversely affect the readiness of a unit, command, or activity.

### § 144.5 Responsibilities.

The *Secretaries of the Military Departments*, or designees, in accordance with regulations prescribed by the Secretary concerned, shall determine whether Service members shall be exempt from